

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**ORIYOMI ALOBA,**

**Plaintiff,**

**v.**

**BUREAU OF PRISONS, et al.,**

**Defendants.**

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) **Case No. 1:23-cv-00253-AMM-SGC**  
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**MEMORANDUM OPINION**

The magistrate judge entered a report on April 13, 2023, recommending the dismissal of this action without prejudice under the so-called “three strikes” provision of 28 U.S.C. § 1915(g). Doc. 4. Following receipt of a notice of change of address, the magistrate judge directed the Clerk of Court to re-send the report to the plaintiff’s new address; the order also extended the objection period. Doc. 6. On May 26, 2023, the court received the plaintiff’s motion seeking a 45-day extension of the objection period; the motion is dated as signed on April 25, 2023. Doc. 8.


Notably, the plaintiff’s motion does not challenge the conclusion that his complaint is subject to the restrictions imposed by § 1915(g). Instead, the plaintiff seeks additional time to conduct research and prepare objections based on the following legal theories: (1) the three strikes provision violates the First Amendment right to access the courts and, thus, Congress lacked authority to pass the

unconstitutional statute; (2) the Prison Litigation Reform Act (“PLRA”) is unconstitutional; and (3) the screening provisions of the PLRA violate Fifth Amendment due process protections. Doc. 8 at 2–3. Granting the plaintiff additional time to research these issues would be futile because the Eleventh Circuit has rejected the arguments. *See Rivera v. Allin*, 144 F.3d 719, 723–24 (11th Cir. 1998), *abrogated on other grounds by Jones v. Bock*, 549 U.S. 199 (2007) (§ 1915(g) does not block access to courts, but merely prohibits plaintiffs with three strikes from proceeding *in forma pauperis*); *id* at 727 (§ 1915(g) does not violate Fifth Amendment due process rights). The court declines the plaintiff’s invitation to declare the PLRA is unconstitutional.

For the foregoing reasons, the plaintiff’s motion seeking an extension of time to file objections to the magistrate judge’s report and recommendation is **DENIED**. Doc. 8. To the extent the motion can be construed as objections, the objections are **OVERRULED**. After careful consideration of the record in this case and the magistrate judge’s report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, all claims presented in this matter are due to be dismissed without prejudice under the three-strikes provision of 28 U.S.C. § 1915(g).

A final judgment will be entered.

**DONE** and **ORDERED** this 21st day of June, 2023.

  
ANNA M. MANASCO  
UNITED STATES DISTRICT JUDGE